

ZONING AND ADJUSTMENT BOARD

January 3, 2006

The Zoning and Adjustment Board of Sumter County, Florida convened on Tuesday, January 3, 2006, at 6:30 P.M. with the following members present: Frank Topping, Richard Cole, Jr., Dossie Singleton, Frank Szczepanski, Marge Thies, Ron Berry, Rusty Mask, and Todd Brown. Dale Nichols, James Sutton, Larry Story – Chairman and Evan Merritt were absent. Terry Neal- Zoning and Adjustment Board Attorney, Roberta Rogers- Director of Planning Development, and Sandy Cassels- Board Secretary, were present.

Attorney Neal called the meeting to order and requested an acting chairperson until Mr. Story arrived. Mr. Cole made a motion for Mr. Topping to act as chairperson, Mr. Szczepanski seconded the motion and the motion carried.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Topping presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the December 19, 2005, meeting. Mr. Berry seconded the motion and the motion carried.

T2006-0001

P. Mike & D. Sue Murphy

P. Mike & D. Sue Murphy, applicants, were present and requesting a Renewal of a Temporary Use Permit for three years for a mobile home for a care receiver's residence. There were seven (7) notices sent. Of the seven (7) notices sent, one (1) was returned in objection and none were returned in favor. Mrs. Cassels read the letter of objection into the record. There were no objections from the audience. Mrs. Rogers explained she had approved using the letter in the file from the previous Temporary Use Permit due to difficulties the applicant's are contending with.

Mr. Berry made the motion to recommend approval of the Temporary Use Permit for three (3) years based on the information provided in the staff report. Mr. Cole seconded the motion and the motion carried.

Larry Story – Chairman- arrived at approximately 6:40 p.m. to chair the meeting.

T2006-0002

Land Associates, IV, LLC

Michele Plawecki, representative for the applicant, was present and requesting a Renewal of a Temporary Use Permit for two (2) years to allow a mobile home as a temporary real estate sales office. There were four (4) notices sent. Of the four (4) notices sent, none were returned in favor or in objection. There were no objections from the audience. Ms. Plawecki explained the sales office should be able to be removed within the two (2) year period as the property in the subdivision is being sold.

Mr. Topping made the motion to recommend renewal of the Temporary Use Permit for two (2) years based on the information provided in the staff report. Mr. Cole seconded the motion and the motion carried.

R2006-0002

2 Bud Ranch

William Martinez, Jerry Shoup, and Bennett Walling, were present and requesting a rezoning of 78 acres MOL from A5 to RR5C. There were seventeen (17) notices sent. Of the seventeen (17) notices sent, none were returned in favor and three (3) were returned in objection. Mrs. Rogers read the letters of objection into the record. There were also objections from the audience. Mrs. Rogers explained the property had been the subject of a large scale amendment for rural residential density, but was denied by the Board of County Commissioners. The owners decided to request a density of one (1) home per five (5) acres which meets the comprehensive plan requirements point system. Mr. Wendell Martinkovic expressed satisfaction with the application at the lower density. Mr. Bill Mizell, Mr. William Ferran, Mr. Steve Rooney, and Mr. Charles Allison expressed their objections to this rezoning regarding the generation of more traffic on roads that need to be improved. They also expressed concerns regarding the need for a central water and sewer

system in this area. Mr. Allison questioned the different zonings that were being discussed, such as RR5C, RR1, and RR1C and wanted to know the differences. Mrs. Rogers explained the zonings were based on the amount of acreage and the type of dwelling unit allowed. Mr. Shoup and Mr. Walling stated this was for conventional homes only, which would be a deed restriction on the property.

Mr. Topping made the motion to recommend approval of the rezoning from A5 to RR5C on 78 acres MOL to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Berry seconded the motion and the motion carried.

R2006-0005

George & Karen Boone

George Boone, applicant, was present and requesting a rezoning of 1 acre MOL from A10 to RR1 to complete a lineal transfer. The property is in the Low Density Residential land use area, therefore one acre is appropriate. There were thirteen (13) notices sent. Of the thirteen (13) notices sent, two (2) were returned in favor and four (4) were returned in objection. Mrs. Cassels read the letters of objection into the record. There were no objections from the audience. Mr. Boone explained he has in the past deeded his daughter and a son property and would like to deed another son property.

Mr. Topping made the motion to recommend approval of the rezoning from A10 to RR1 on 1 acre MOL to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

SS2006-0001

Ronald D. Brown

Ronald Brown, applicant, and Mary Ludwig, representative for the applicant, were present and requesting a Small Scale Land Use Change on 6.67 acres MOL from Low Density Residential to Commercial. There was one (1) notice sent, which was not returned. There were no objections from the audience. Mrs. Rogers stated that a substantial portion of the area was changed to commercial in a large scale amendment. Mr. Brown explained he had rezoned 10.97 acres to Commercial with a Small Scale Land Use Change. This rezoning will bring all his property to Commercial on the Future Land Use Map.

Mr. Topping made the motion to recommend approval of the Small Scale Land Use Change of 6.67 acres MOL from Low Density Residential to Commercial on the Future Land Use Map to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

R2006-0001

Ronald D. Brown

Ronald Brown, applicant, and Mary Ludwig, representative for the applicant, were present, and requesting a rezoning of 6.67 acres MOL from A5 to CH. There was one (1) notice sent, which was not returned. Mr. Brown explained since the Small Scale Land Use change was recommended for approval by the Zoning and Adjustment Board this rezoning would be bringing the property to the correct zoning for the approved Land Use change.

Mr. Topping made the motion to recommend approval of the rezoning from A5 to CH on 6.67 acres MOL to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

SS2006-0002

Nash Enterprises, LLC

This application was withdrawn due to the property being annexed into the City of Wildwood.

R2006-0003

Nash Enterprises, LLC

This application was withdrawn due to the property being annexed into the City of Wildwood.

SS2006-0004

Shirley DeGeer

James Wade and Skip Tompkins, representatives for the applicant, were present and requesting a Small Scale Land Use Change on 9.9 acres MOL from Industrial to High Density Residential. There were three (3) notices sent. Of the three (3) notices sent, none were returned in favor or in objection. There were objections from the audience: Mr. Richard Wilbur and Mr. Allen Dryes. Mr. Wade explained this property has had many interested parties, but the sales have fallen through because the roads can not handle the industrial traffic. Mr. Wilbur and Mr. Dryes explained they didn't think the road could handle High Density Residential zoning traffic. They also expressed concerns regarding residential and industrial zonings and land uses being next to each other.

Mr. Topping made the motion to recommend approval of the Small Scale Land Use Change of 9.9 acres MOL from Industrial to High Density Residential on the Future Land Use Map to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Berry seconded the motion and the motion carried.

R2006-0006

Shirley DeGeer

James Wade and Skip Tompkins, representatives for the applicant, were present, and requesting a rezoning on 9.9 acres MOL from M1 to R6C. There were three (3) notices sent. Of the three (3) notices sent none was returned in favor or in objection. Mrs. Rogers explained the R6C zoning will allow (six) (6) dwelling of conventional construction units per acre. Mr. Wade explained Mrs. DeGeer understands this is the maximum number of units allowed and could be less after the Development Review Committee hears the request and the improvements are made on the property.

Mr. Topping made the motion to recommend approval of the rezoning from M1 to R6C on 9.9 acres MOL to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

R2005-0105

A.C.M.S.

This rezoning will be tabled until January 17, 2006, as the legal ad was printed incorrectly.

Mr. Wade, attorney for some of the opposition, requested the CUP also be tabled until January 17, 2006, so both cases regarding the applicant could be heard on the same night. Attorney Neal asked the representatives for the applicant if they wanted the case for the CUP to be tabled or heard since it is their decision. Mr. Varn, attorney for the applicant, explained they would like to hear the CUP application this evening.

C2005-0004

A.C.M.S

David Springstead, Charles Dean, and Jacob Varn, were present for the applicant and requesting a modification of a Conditional Use Permit on 321.69 acres MOL from a Class III Landfill to a Class I Landfill. There were twenty-two (22) notices sent. Of the twenty-two (22) notices sent, six (6) were returned in objection and none were returned in favor. Mrs. Cassels and Mrs. Rogers read the letters of objection into the record. There were also objections from the audience. Mr. Varn explained the differences between a Class III landfill and a Class I Landfill. Mr. Springstead explained they are using 40 acres of the property presently for the Class III Landfill and of the 321.69 acres MOL they will be using 180 acres MOL for the Class I Landfill. Mr. Springstead discussed the liners, monitoring program for odors, and monitoring of gases. He also discussed the operating procedures, flood issues, site boundaries for the Sumter County Solid Waste Facility, the closed Sumter County Landfill, and the City of Bushnell Water Treatment Plant. Mr. Springstead explained the Landfill will have screens and buffers to protect the neighbors. The objections from the audience concerned odor, property values of neighboring lands, health of neighbors, some of which have health problems now, the effective life of liners, the need for a landfill in Sumter County, and the cost to the county for the landfill vs. the cost of shipping waste out of the county.

After much discussion by the board members, Mr. Topping made the motion to recommend denial of the Conditional Use Permit to the Board of County Commissioners. Mr. Szczepanski seconded the motion and the motion carried.

Mrs. Rogers asked the board about approving an Enterprise Zoning for the Development Council.
Mr. Topping made the motion to approve the Enterprise Zoning. Mr. Brown seconded the motion and the motion carried.

Mr. Topping made a motion to adjourn the meeting at 11:15 pm. Mr. Berry seconded the motion and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board